

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	20cr179 (DLC)
	:	
ARINZE OBIKA,	:	
	:	
Defendant.	:	<u>ORDER</u>
	:	
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DENISE COTE, District Judge:

Arinze Obika has moved for compassionate release under Title 18, United States Code, Section 3582(c)(1)(a). For the following reasons, the motion is denied.

On February 11, 2021, Obika pleaded guilty to one count of conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349. He was sentenced to 33 months' imprisonment on May 14, 2021 and ordered to surrender for service of sentence by June 25, 2021. On that date, he surrendered to the Metropolitan Detention Center Brooklyn, where he is currently incarcerated. He is thirty-five years old and his anticipated release date is October 26, 2023.

On August 3, 2021, only a few weeks after beginning his sentence, Obika requested compassionate release from his warden. This request was denied on August 9. Obika then made a second administrative request for compassionate release on August 19,

which was also denied. This motion for compassionate release followed.¹

Because Obika exhausted his administrative remedies by twice unsuccessfully requesting compassionate release from his warden, his sentence may be reduced by the Court if "extraordinary and compelling reasons" warrant reduction. 18 U.S.C. § 3582(c)(1)(A)(i). The Court may "independently . . . determin[e] what reasons . . . are extraordinary and compelling." United States v. Brooker, 976 F.3d 228, 234 (2d Cir. 2020) (citation omitted). If Obika has presented "extraordinary and compelling reasons" for compassionate release, he must also show that the sentencing factors set forth in 18 U.S.C. § 3553(a) support compassionate release before the Court may grant it.

The motion for compassionate release is denied because Obika has not presented an extraordinary and compelling reason for compassionate release. In support of his motion for compassionate release, Obika cites as an extraordinary and compelling circumstance the risk of continued incarceration given the ongoing COVID-19 pandemic and several preexisting medical conditions. But medical records filed in conjunction

¹ Obika's motion for compassionate release is not dated, but it was received and docketed by this Chambers on September 21, 2021.

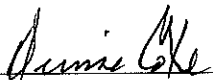
with his motion indicate that his health condition is stable. In any event, his medical history was presented to the Court at his recent sentencing and the Court considered Obika's medical history and the COVID-19 pandemic in fashioning an appropriate sentence. The Bureau of Prisons has also made COVID-19 vaccinations available to inmates and staff, further reducing Obika's risk related to COVID-19. See COVID-19 Vaccine Implementation, Bureau of Prisons, <https://www.bop.gov/coronavirus/> (last visited September 21, 2021). Obika's risk of continued incarceration given the COVID-19 pandemic and his preexisting health conditions therefore does not qualify as an extraordinary and compelling circumstance.

Moreover, the § 3553(a) sentencing factors weigh against his release. Obika pleaded guilty to participating in an international money laundering conspiracy that laundered over \$10 million in proceeds from a series of email fraud schemes. This conduct warranted a significant period of incarceration and the Court imposed one. Obika has served only a few months of that sentence and no further reduction in sentence is warranted. Accordingly, it is hereby

ORDERED that Obika's motion for compassionate release is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mail
Obika a copy of this Order and note mailing on the docket.

Dated: New York, New York
September 22, 2021



DENISE COTE
United States District Judge